

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

SHARON NEIDIGH

VERSUS

**RED RIVER ENTERTAINMENT OF
SHREVEPORT, L.L.C., BOYD GAMING
CORPORATION AND XYZ INSURANCE
CORPORATION**

* **CIVIL ACTION**
* **NO. 21-4323**
*
* **JUDGE**
*
* **MAG.**
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*

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, comes Red River Entertainment of Shreveport, L.L.C. (“Red River”), defendant in the action entitled “*Sharon Neidigh v. Red River Entertainment of Shreveport, L.L.C., Boyd Gaming Corporation and XYZ Insurance Corporation*” and bearing Civil Action No. 633524 in the First Judicial District Court for the Parish of Caddo, State of Louisiana, to notice removal of that Louisiana state civil court action to the United States District Court for the Western District of Louisiana, and upon information and belief represent:

1.

On 3 November 2021, plaintiff, Sharon Neidigh, filed suit in the First Judicial District Court for the Parish of Caddo, State of Louisiana, against defendants, Red River, Boyd Gaming Corporation (“Boyd Gaming”) and XYZ Insurance Company (“XYZ”), alleging that on or about 28 November 2020, plaintiff, a citizen and domiciliary of the State of Louisiana, slipped and fell due to liquid on the bathroom floor at Sam’s Town Hotel and Casino, causing her to be seriously

injured.¹

2.

This Court has diversity jurisdiction over this case under the provisions of 28 U.S.C. §1332, because plaintiff is a citizen and domiciliary of the State of Louisiana, and Red River is a Louisiana limited liability company owned by a single member, Boyd Louisiana Racing, L.L.C., which is also a Louisiana limited liability company. Boyd Louisiana Racing, L.L.C., in turn, is also owned by a single member, Boyd Gaming, a Nevada Corporation with its principal place of business in Nevada. As such, defendants, Red River and Boyd Gaming, are citizens of the State of Nevada. The citizenship of XYZ, a fictitious defendant, is disregarded in determining whether diversity of citizenship exists for removal purposes. 28 U.S.C. §1441(b).

3.

There is complete diversity of citizenship between plaintiff, a citizen of Louisiana, and defendants, Red River and Boyd Gaming, citizens of Nevada.

4.

In paragraph VI of the Petition for Damages, plaintiff alleged that she suffered severe and disabling bodily injuries, specifically to her back, neck, hands, hip, knee, legs and buttocks that are permanent in nature. In paragraph XI of the Petition for Damages, plaintiff alleged that her damages include, but are not limited to, past and future pain and suffering, past and future mental anguish, past and future medical expenses, past and future lost wages, loss of enjoyment of life, loss of consortium and disability. Plaintiff did not include a general allegation in her Petition for Damages that her claim is less than the requisite amount required to establish that the federal

¹ See Citation and Petition for Damages attached hereto as Exhibit A.

courts lack jurisdiction due to insufficiency of damages, as required by La. C.C.P. art. 893.

5.

On 1 December 2021, plaintiff's counsel informed Red River's counsel by email that plaintiff sustained multiple herniated discs to her lumbar spine and a tear in her right knee, and that the amount in controversy exceeds \$100,000.² Based on plaintiff's allegations in the Petition for Damages, as well as counsel's 1 December 2021 email, the amount in controversy of plaintiff's claim exceeds the sum of \$75,000, exclusive of interest and costs.

6.

Pursuant to the provisions of 28 U.S.C. §§1441 and 1446, this action is one that may be removed to the United States District Court for the Western District of Louisiana.

7.

Plaintiff's state court action was filed on 3 November 2021. Defendant, Red River, was served on 16 November 2021. Defendant Boyd Gaming has not yet been properly served. Accordingly, this removal is timely under 28 U.S.C. §1446(b).

8.

Written notice of filing of this Notice of Removal is being delivered to the plaintiff through her counsel of record, and a copy of this Notice of Removal will be filed with the clerk of the First Judicial District Court for the Parish of Caddo.

WHEREFORE, Defendant, Red River Entertainment of Shreveport, L.L.C., notices removal of the above described state court action to this Honorable Court.

² See email attached hereto as Exhibit B.

Respectfully submitted,

MURPHY, ROGERS, SLOSS,
GAMBEL & TOMPKINS

/s/ John H. Musser, V

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*Attorneys for Defendant Red River Entertainment of
Shreveport, L.L.C.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on 16 December 2021, a copy of the foregoing pleading was sent to all counsel of record, either by operation of the Court's CM/ECF system, by hand, by e-mail, by telefax or by placing same in the United States mail, properly addressed, and first class postage prepaid.

/s/ John H. Musser, V